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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,049	06/01/2000	Henri Waelbroeck	10209-006	5723

20583 7590 12/29/2003  
PENNIE AND EDMONDS  
1155 AVENUE OF THE AMERICAS  
NEW YORK, NY 100362711

EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/585,049

Applicant(s)

WAE LBROECK ET AL.

Examin r

Nga B. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is the answer to the communication filed on June 1, 2000, which paper has been placed of record in the file.
2. Claims 1-55 are pending in this application.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-46 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al (hereinafter Walker), U.S. Patent No. 5,794,207.

Regarding to claim 1, Walker discloses a method of managing market information, comprising the steps of:

electronically receiving data including confidential information regarding market participants (column 13, lines 11-22, central controller receives confidential information from sellers during registration);

electronically storing the received data regarding market participants (column 13, lines 11-22, central controller stores seller confidential information in the seller database);

electronically receiving information from a first market participant computer (column 15, line 60-column 16, line 45, central controller receives CPO from buyer);

electronically storing the information received from the first market participant computer (column 13, lines 23-30, central controller stores CPO received from buyer in the CPO database);

producing a targeted dissemination list of market participants based on stored data regarding market participants and the information received from the first market participant computer (column 18, lines 25-33, central controller transmits the CPOs to the potential sellers based on sellers' type of business and based on the subject of CPO received from the buyer, thus it is inherent that central controller must produce a list of sellers in order to send the CPOs to the sellers; column 13, lines 10-13, central controller also store sellers' type of business in the seller database, thus central controller already known sellers' type of business in order to produce a list of sellers for sending the CPOs); and

electronically transmitting to the market participants on the targeted dissemination list data based on the information received from the first market participant computer (column 18, lines 15-43, central controller transmits to sellers CPOs receives from buyers).

Regarding to claim 2, Walker discloses the information received from the first market participant computer includes a trading interest (column 16, lines 12-45, the CPO receives from the buyer includes trading interest of the buyer).

Regarding to claims 3-4, Walker discloses the trading interest is a certified trading interest and comprises the step of certifying trading interest (column 28, lines 5-17,

CPO is equivalent to a certified trading interest because CPO has been verified as genuine and certified by the trusted third party).

Regarding to claim 5, Walker discloses the information received from the first market participant computer includes specific dissemination parameters (column 16, lines 12-62, CPO includes a plurality of specific dissemination parameters).

Regarding to claim 6, Walker discloses the specific dissemination parameters include certified trading interest requirements (column 28, lines 5-17, CPO is equivalent to a certified trading interest because CPO has been verified as genuine and certified by the trusted third party).

Regarding to claims 7-8, Walker discloses the confidential information regarding market participants includes trading interests, and trading interests are certified trading interests (column 13, lines 10-22, central controller stores seller trading interest in seller database; column 29, lines 44-60, seller trading interests are certified by trusted server)

Regarding to claim 9, Walker discloses the confidential information regarding market participants induces information regarding investment holdings (column 13, lines 10-22, payment preferences, type of business, goods sold).

Regarding to claims 10, 13, Walker discloses comprising the steps of:  
electronically receiving data from market participants on the targeted dissemination list (column 18, lines 55-column 19, line 18, central controller receives response to bind the CPO from sellers);

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electronically storing the received data from the market participants on targeted dissemination list (column 13, lines 30-39, central controller store seller response data in counteroffer database and seller response database); and

electronically transmitting information back to the first market participant computer based on stored data received from market participants on the targeted dissemination list (column 23, lines 1-5, central controller transmits counteroffer back to the buyer).

Regarding to claim 11, Walker discloses the step of electronically transmitting information based on the stored data received from market participants on the targeted dissemination list to one or more other market participants (column 23, lines 1-5, central controller transmits seller's counteroffer to the buyer).

Regarding to claim 12, Walker discloses the information transmitted back to the first market participant computer includes an interest in negotiation (column 23, lines 1-5, central controller transmits counteroffer back to the buyer).

Regarding to claim 14, Walker discloses the information electronically transmitted back to the first market participant computer comprises an order (column 20, lines 2-5, central controller sends purchase confirmation to the buyer).

Claims 15-28 are written in computer software that parallel the limitations found in claims 1-14 above, therefore are rejected by the same rationale.

Regarding to claim 29, Walker discloses a method of effecting a targeted auction, comprising:

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electronically receiving data including confidential information regarding market participants (column 13, lines 11-22, central controller receives confidential information from sellers during registration);

electronically storing the received data regarding market participants (column 13, lines 11-22, central controller stores seller confidential information in the seller database) ;

electronically receiving information including a first order from a first market participant computer (column 15, line 60-column 16, line 45, central controller receives CPO from buyer);

electronically storing the information received from the first market participant computer (column 13, lines 23-30, central controller stores CPO received from buyer in the CPO database);

producing a targeted dissemination list of market participants based on the stored data regarding market participants and the information received from the first market participant computer (column 18, lines 25-33, central controller transmits the CPOs to sellers based on sellers' type of business and based on the subject of CPO received from the buyer, thus it is inherent that central controller must produce a list of sellers in order to send the CPOs to the sellers; column 13, lines 10-13, central controller also store sellers' type of business in the seller database, thus central controller already known sellers' type of business in order to produce a list of sellers for sending the CPOs);



electronically transmitting to the market participants on the targeted dissemination list data based on the information received from the first market participant computer (column 18, lines 15-43, central controller transmits to sellers CPOs receives from buyers);

electronically receiving subsequent orders from market participants in response to the transmitted data (column 20, lines 5-15, central controller receives response to bind CPO from multiple sellers);

conducting an electronic auction among orders including the orders received in response to the transmitted data (column 19, lines 13-28); and

electronically transmitting the status of orders to the respective market participants who initiate them (column 20, lines 2-5, central controller transmits the purchase confirmation to the seller and the buyer).

Regarding to claim 30, Walker discloses the information received from the first market participant computer includes auction parameters (column 16, lines 12-62, CPO contains price and a plurality of conditions).

Claims 31-35 contains the same limitations found in claims 5-9 above, therefore are rejected by the same rationale.

Regarding to claim 36, Walker discloses rules governing the electronic auction grant to the first order execution priority over the subsequent orders (column 19, lines 23-28).



Regarding to claim 37, Walker discloses rules governing the electronic auction prevent the matching of the subsequent orders and an order other than the first order until the first order is canceled or filled (column 19, line 65-column 20, line 5).

Claims 38-46 are written in computer software that parallel the limitations found in claims 29-37 above, therefore are rejected by the same rationale.

Regarding to claim 55, Walker discloses a method of managing market information, comprising the steps of:

enabling market participants to target dissemination of trading interests to only those other market participants likely to have a significant contra-interest (column 18, lines 15-33, CPOs are sent to appropriate potential sellers who request to receive the particular subject of CPOs);

enabling market participants to ensure that other market participants' disseminated trading interests are validated as legitimate (column 28, lines 5-17, CPOs submitted by the buyers are verified as genuine and certified by the trusted server; column 29, line 52-column 20, line 30, seller responses are also certified by the trusted server); and

enabling auctions among trading interests targeted and validate as in the above steps (column 19, lines 13-28, column 20, lines 5-15).

5. Claims 47-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Tozzoli et al (hereinafter Tozzoli), U.S. Patent No. 5,717,989.

Regarding to claim 47, Tozzoli discloses a method of evaluating a market participant's trading activities, comprising the steps of:

electronically receiving data regarding a first market participant, wherein the data comprises certified trading activity information (column 6, lines 32-37, the trade system receives the proposed purchase order from the buyer (first market participant); a certified trading activity information is defined as an order placed on a secure market automatic matching system, thus the proposed purchase order placed by the buyer in Tozzoli's is equivalent to a certified trading activity information because the proposed purchase order is automatically matched by the trade system, see column 7, lines 26-30);

electronically storing the received data regarding the first market participant (column 8, lines 13-17, storing the proposed purchase order in the storage 50 and memory 60);

producing a measure of the first market participant's trading activity with respect to a standard (column 6, lines 37-45; column 7, lines 43-53; the trade system compares the proposed purchase order with the buyer's and seller's pre-established account parameters or criteria);

electronically storing the measure (column 6, lines 37-45, buyer's account parameters or criteria stored in storage 50 or memory 60);

electronically receiving a request from the first market participant to have a report transmitted to a second market participant, wherein the report comprises the measure (column 6, lines 32-37, the proposed purchase order (equivalent to the report) is the request to purchase goods or services from the buyer to the seller (second market

participant); column 7, lines 54-57, the filtered proposed purchase order (equivalent to the report comprises the measure) is transmitted to the seller);

electronically storing the received request (column 8, lines 13-17, storing the proposed purchase order in the storage 50 and memory 60); and

electronically transmitting the requested report to the second market participant (column 7, lines 54-57, the trade system transmits the proposed purchase order to the seller).

Regarding to claim 48, Tozzoli discloses the standard comprises non-certified trading information disseminated by the market participant (column 5, line 47-column 6, line 7, the standard is buyer's account parameters or criteria comprises credit limits, minimum transaction size, restriction to a particular type of goods or services).

Regarding to claim 49, Tozzoli discloses the standard comprises trading restraints set by the market participant (column 12, lines 22-31, the trading price set by the buyer is compared to the trading limit).

Regarding to claim 50, Tozzoli discloses the standard comprises system-defined inappropriate trading behavior (column 5, line 35-column 6, line 6; the funder's profile comprises minimum annual revenue and years in business for a buyer, buyer's account parameters or criteria such as credit limits, minimum transaction size, restriction to a particular type of goods or services).

Claims 51-54 are written in computer software that parallel the limitations found in claims 47-50 above, therefore are rejected by the same rationale.

**Conclusion**

6. Claims 1-55 are rejected.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
C/o Technology Center 3600  
Washington, DC 20231

Or faxed to:

(703) 872-9326 (for formal communication intended for entry),

or

(703) 308-3691 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

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Nga B. Nguyen

A handwritten signature in cursive script that reads "Nga B. Nguyen".

December 10, 2003